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Chambers of Vincent L. Briccetti

6/7/23
OK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY ARRIAGA, :
Plaintiff, :
v. :
ANTHONY ANNUCCI, Acting Commissioner :
for the New York State Department of :
Corrections and Community Supervision; :
MICHAEL CAPRA, Superintendent of Sing :
Sing C.F., Official and Individual Capacity; :
QUANDERA T. QUICK, Inmate Grievance :
Program Supervisor, Official and Individual :
Capacity; ELAINE VELEZ; and JOHN/JANE :
DOES 1-3, in their official and individual :
capacities, :
Defendants. :
-----x

ORDER

23 CV 1941 (VB)

On May 26, 2023, the Court issued an order directing plaintiff to file an amended complaint that provides additional information regarding the John and Jane Doe defendants in his complaint to assist the Attorney General in identifying those defendants. (Doc. #13).

The Court received a letter from plaintiff, dated May 31, 2023, responding to the Court's May 26 Order. (Doc. #14). However, plaintiff's letter fails to comply with the Court's May 26 Order, which directed plaintiff to file an amended complaint that provides additional information regarding the Doe defendants in his current complaint.

Accordingly, plaintiff must file an amended complaint by June 30, 2023, that provides additional information regarding the John and Jane Doe defendants to assist the Attorney General in identifying them.

The amended complaint will replace, not supplement, the original complaint. If plaintiff fails to file an amended complaint by June 30, 2023, the Court may dismiss this action under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and to comply with Court orders.

Finally, in his letter, plaintiff asks why defendant Quandera Quick has not been served. Although plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service because he is proceeding in forma pauperis, the Order of Service, dated April 4, 2023, indicates the deadline for plaintiff to serve all defendants is 90 days after summons are issued. (Doc. #7). The docket reflects that summons were issued for all defendants on April 5, 2023. (Doc. #8). Accordingly, the deadline for plaintiff to effect service on all defendants is currently July 5, 2023.

As plaintiff was informed in the Order of Service, **if the complaint is not served within 90 days after the date the summons are issued, plaintiff should request an extension of time for service.**

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: June 7, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge